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OFFICE OF PETITIONS

In re Application of  
Eliezer Rachaman et al.  
Application No. 09/029,543  
Filed: December 8, 1998  
Attorney Docket No. P-68712-US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 11, 2003, to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 1.17(c)) within the time period provided in 37 CFR 1.192(a). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed November 22, 2000, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.192(b) & 1.197(c). As no claim was allowed, the above-identified application became abandoned on January 23, 2000. See MPEP 1215.04.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$1450 extension of time submitted with the petition on February 11, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center AU 1623 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

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for Patent Examination Policy